



TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

February 18, 2009

Good Afternoon.

I am Art Ward, Mayor of Bristol, Connecticut.

I appreciate the opportunity to testify on behalf of CCM on the following bills of interest to towns and cities:

Prop. S.B. 373, "An Act Concerning Storage of Personal Items of Evicted Tenants"

**Prop. H.B. 5538, "An Act Eliminating the Property Storage Mandate of Towns
Regarding the Disposition and Storage of Possessions and Personal
Effects of Evicted Tenants"**

**Prop. H.B. 5871, "An Act Concerning Responsibility for the Disposition of Possessions
and Personal Effects of Evicted Tenants"**

CCM supports these bills.

S.B. 373, H.B. 5538 and H.B. 5871 would relieve municipalities of the unfunded state mandate to remove and store the personal property belonging to evicted residential tenants. Municipalities were relieved in 1997 of the mandate to remove and store the possessions of *evicted commercial* tenants.

The tenant evictions mandate is costly to municipalities. It is estimated that there are about 2,500 residential evictions per year. This might be a conservative estimate: last year, Bridgeport alone is expecting to process 900 evictions, up from 672 evictions.

CCM urges the Committee to examine the Office of Legislative Research's "Research Report", Number 2006-R-0164. Entitled, "State Laws on Landlord's Treatment of Abandoned Property", the report shows that, of the 37 states researched, *Connecticut is the only state that mandates that municipalities remove and store the possessions of evicted tenants*. In other states, landlords or sheriffs have the responsibility.

And, storage costs average \$10 per day, per eviction, for an average of 15 days. The costs for storage alone – *excluding staff, vehicles and other administrative costs* – can range from approximately \$9,000 to \$147,900.

The mandate takes up considerable time on the municipal level. When a person has been evicted, municipalities must (1) secure a moving vehicle to pick up property and take it to a storage facility, and (2) store the possessions for at least 15 days. Municipalities are allowed to try to recoup some of the costs by auctioning off the items. However, municipalities must incur costs associated with conducting an auction (including publicizing the auction, etc.). And, usually the possessions are not sellable. According to one municipal official involved in this process, the belongings are reclaimed in only about 10% of the cases.

In Bristol, the mandate costs \$20,000 per year.

Last year, Windsor had 32 evictions, costing the taxpayers over \$17,000. On average, "95% of furnishings need to be disposed of because they are not able to be auctioned." Further, only 5% claim their property.

Norwich estimates a cost of \$18,000, with the City receiving \$0 – nothing -- from the sale of possessions last year. Enfield estimates a \$13,000 burden, with only 0-5% of tenants claiming their property.

Danbury estimates \$70,000 on labor, storage, transportation and other costs associated with eviction proceedings. We urge the Committee to consider the attached letter from the City of Danbury to Governor Rell re adopting the Massachusetts model, in which marshals are involved.

The notion that isolated municipalities provide social services does not justify municipal involvement. Landlords could notify tenants of social services available to them. Most of the services would likely be state services, signaling a need for state involvement, not local.

Also worn out is the notion that, since the law has been on the books since 1895, it's appropriate and right. Needless to say, Connecticut has changed drastically in 100 years. Small, isolated communities where there would be rare evictions (with an unregulated landlord-tenant process), have been replaced with ever-increasing municipal responsibilities and a highly regulated landlord-tenant process.

Further, there are many laws from 100 years ago that are obsolete, like those regarding buggies. Again, the mere fact that the law still exists has nothing to do with its relevance.

It should be noted that the federal government passed a law to prohibit costly unfunded state mandates to state and local governments – the Unfunded Mandates Reform Act. The State should provide the same relief for its towns and cities.

Is the tenant evictions mandate the largest unfunded state mandate? Of course not. However, it is costly, especially to our struggling communities. Further, the mandate represents how nonsensical mandates can be. There is no justifiable reason for towns and cities to be involved in a landlord-tenant issue. Since the State doesn't have to foot the bill, it has been content to burden communities with the mandate. This is the kind of mandate that leaves municipal officials flummoxed. It's evidence to them that the State just doesn't "get it."

This committee has a reputation for "getting it" and we hope it continues to do so by relieving municipalities of this mandate.

CCM urges the Committee to combine, draft and favorably report these proposals.

Thank you.

##

For more information, please contact Jim Finley, Gian-Carl Casa or Ron Thomas of CCM at (203) 498-3000.

Enclosure



CITY OF DANBURY

HEALTH, HOUSING, & WELFARE DEPARTMENT
155 DEER HILL AVENUE, DANBURY, CONNECTICUT 06810

Central Health & Housing Office
203 - 797-4625
Fax 796-1596

Central Welfare Office
203 - 797-4569
Fax 797-4566

Honorable M. Jodi Rell
Governor of Connecticut
State Capitol
Hartford, CT 06106

2/20/08

RE: 2008-2009 Midterm Budget Adjustments, Governor's Property Tax Reform Package;
"Eliminate the requirement that municipalities remove and store the personal property
belonging to evicted residential tenants."

Dear Governor Rell:

Please note we I support your goal to "eliminate the requirement that municipalities remove and store the personal property belonging to evicted residential tenants" in the State of Connecticut. I would expect some may disagree, but I would offer that a proper change would ultimately benefit the families and individuals being evicted.

The law in Connecticut dates back to 1895, when times were simpler and less litigious. Local municipalities since have had to get out of a providing host of governmental services, we no longer provide direct welfare assistance which probably dated back to the 1800's as well. Also, in 1997 local municipalities' were removed from having involvement in commercial evictions as well. So, this is a natural progression and one of the last remnants of historic laws that do not provide uniform benefits to the tenants, landlords or the local municipality (i.e. local taxpayers).

Current Connecticut landlord-tenant law provides a buffer between the land lord and tenant at every step of an eviction. State Marshalls serve the papers, court mediators whom teach the parties the language of settlement, judges adjudicate the cases and the Marshalls also provide mediation between tenants and landlords during the eviction process by securing the premises for the landlord and the property for the tenant. This proper legal process ensures the uniform practice and implementation of landlord/ tenant law. The Connecticut Judicial Branch's web site offers multiple sources of information about legal procedures for those seeking resolution to Connecticut's Law concerning tenants and landlords. The OLR identifies, in 2000-R-0768, that there are many reasons why a tenant might be evicted and the multiple steps to implement before the Summary (eviction) process can be carried out.

The current 1895 law requires that State Marshalls to bring a tenants property to the curb; and if the items are not removed; the Chief Elected Official of the local municipality is responsible for documenting, moving, storing and caring for the personal property. The evicted tenant then has only 15 days to pick up their belongings or the auction process can then sell their property. This an extremely short time frame and the requirement on local CEO's to remove and control personal property is not a fair process. Also, current Connecticut law lacks uniform application of this law for there are 169 municipalities in CT that have separate procedures, facilities, vehicles, employees and employee issues regarding the implementation of this unfunded 1895 state mandate.

It is extremely expensive and burdensome for residents, landlords and tenants to navigate 169 different eviction programs to find their personal property if evicted while living in CT. A different person, place and procedure for each municipality make it more difficult for the tenants, landlords and State Marshalls.

Medical Outreach 797-4567
Eviction Prevention 797-4565
Information-Referral 797-4569

Dial 2-1-1 for all
Connecticut Services!

Emergency Shelter 796-1661
Em. Shelter Fax 796-1660
Administration 796-1504

A proper law can create uniform procedures that are both humane and impartial. An example of this type of program is the existing Massachusetts Act of 2004 entitled "An Act Relative to the Storage of Personal Property upon Execution of a Summary (Eviction) Process Judgment" (see attached).

The example Massachusetts Act provides many benefits to the tenants being evicted that Connecticut does not offer, such as:

1. The Act requires the tenant to be told WHO is storing the property;
2. The Act gives the tenant the RIGHT to choose where their property will be stored instead of the place the landlord or municipality has listed;
3. The Act requires the property to be inventoried by a independent third party before being put in storage,
4. The Act requires that all fees charged by an eviction storage company be filed with and approved by the Department of Pubic Safety (most likely a simple Request For Quotes process, keeping costs low);
5. The Act gives the tenant a ONE-TIME ACCESS to remove items of primarily personal or sentimental value FREE OF CHARGE;
6. The Act in Massachusetts provides better protection of evicted tenant's property for up to 6 MONTHS without the ability of the storage facility being able to auction off the property. In Connecticut, a simple 15-day waiting period is all that is required before a municipality can start the auction process; and
7. Provides a natural entity to control the process, 100% protection of the property by a third party while providing a realistic opportunity for the tenants to get their property back.

Right now State Marshalls evict tenants with "someone" from the municipality showing up to handle the belongings, regardless of storage location, prices, item being stored, nor access to personal items for an extended period of time. There appears to be many benefits to having a law similar to Massachusetts that would ensure uniform implementation throughout the State. State Marshalls provide evictions as an independent third party to ensure civility and safety, they also remove the items from the domicile to the curb and therefore could be initial implementation arm for Connecticut's version of an Eviction Storage Law. Storage facilities could be procured through contracts by a Request For Quotes (RFQ) process that meets identified specifications, which would also keeps any costs low for the tenants.

State Marshalls already provide proper notification to the local Social Service agency so they can conduct eviction prevention services. Any new law would not stop this form continuing and I suggest that it would help each municipality offer better eviction prevention services for we would not be looked upon as legally responsible for the evicted tenant's belongings. The spirit of cooperation would improve communication and the flow of information between tenant and municipal service. This small change would remove a costly burden from local municipal agents (i.e. local taxpayer) and at the same time provide improved protection of personal property for those being evicted. Thank you for the opportunity to share my thoughts with you on this matter.

Sincerely,

Scott T. LeRoy MPH, MS
Director of Health, Housing & Welfare

Cc: Mr. David Cappiello, Mr. Jason Bartlett, Mr. Joe Taborsak, Ms. Robert Godfrey, Ms. Janice Giegler